

REMARKS

In the Office Action dated May 31, 2005, the Examiner rejected claims 1-39 of the above-captioned application under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,616,82 and claims 1-20, 23-25 of U.S. Patent No. 6,599,409, and provisionally rejected claims 1-39 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22, 24-27, 34-38, 41, 42 of copending Application No. 10/361,708. In response, Applicant submits a Terminal Disclaimer for U.S. Patent Nos. 6,616,82 and 6,599,409, and Application No. and 10/361,708 with this response.


The applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In view of the above, Applicant respectfully requests that the double patenting rejections be withdrawn and the claims listed herein be allowed.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 30, 2005

By: 
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AMEND

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Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-captioned application which would extend beyond the expiration date of the full statutory term of U.S. patent nos. 6,599,409 or 6,616,821, or any patent issuing from U.S. patent application no. 10/361,708, and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the owner of the legal title to said patent shall be the same as that of the legal title to U.S. patent nos. 6,599,409 and 6,616,821, and any patent issuing from U.S. patent application no. 10/361,708. This agreement extends to any patent granted on the above-captioned application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. patent nos. 6,599,409 or 6,616,821, or any patent issuing from U.S. patent application no. 10/361,708, and that of any patent issuing on the above-captioned application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

Pursuant to 37 C.F.R. 1.321(a) the undersigned attorney of record is empowered to act on behalf of the Assignee, by virtue of a Power of Attorney.

This Terminal Disclaimer is accompanied by the \$65 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR LLP

Date: August 30, 2005



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